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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT PAPER NUMBER

2652

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,552

Applicant(s)

DETZLER, ROGER

Examiner

William J. Klimowicz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-15 and 19-24 is/are rejected.
7) ☒ Claim(s) 6 and 16-18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-18-04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the reference designator “10” as described in the specification at page 8, line 16 as “reactant chemical.” Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

With regard to page 10, line 19 of the instant specification, the acronym “raid” should be spelled as RAID.

Appropriate correction is required.

Claim Objections

Claim 14 is objected to because of the following informalities and appropriate correction is required.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure. The lack of antecedence as noted *infra*, is merely formal, since the claims can be understood in light of the instant specification and drawings; the antecedence informalities delineated below do not rise to the level of a rejection under 35 USC 112 2nd paragraph:

With regard to claim 14 (lines 2-3), the phrase “wherein said act of *sending the signal* to commence the destruction” (emphasis added) has not been previously recited within the claim language. However, based on the disclosure as a whole, this is considered to be a minor informality since the claim language and disclosure as can be readily ascertained. It is recommended, however, that the claim language be modified in order to obviate this minor antecedent claim language error.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-15 and 19-24 rejected under 35 U.S.C. 102(e) as being anticipated by Shim (US 2003/0131255 A1).

As per claims 1 and 11, Shim (US 2003/0131255 A1) discloses a system for rendering data stored on a data storage device (210) unrecoverable upon the occurrence of a certain event, and a method for rendering data stored on a data storage device unrecoverable upon the occurrence of a certain event, the system/method comprising: a reactant reservoir (e.g., 471) including at least one chamber (471) for holding a reactant chemical (see paragraph [0081]), the reactant reservoir in fluid communication with at least an area proximate at least one surface (522a, 522b) of said data storage device (210); and an activation device (300), coupled to said reactant reservoir (471) and responsive to at least one event (see paragraphs [0062], [0062]), for causing at least a portion of the reactant chemical to flow from the reactant reservoir (471) into the at least an area proximate at least one surface of said data storage device (210), thereby destroying the stored data (see paragraph [0081] *et. seq.*).

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As per claims 3 and 13, wherein the reactant reservoir (471) is an aerosol reservoir that sprays the reactant chemical as a mist into the at least an area proximate at least one surface of said data storage device (210) (see paragraphs [0082], [0086]).

As per claims 4 and 14, wherein the certain event is selected from the group consisting of removal of the data storage device from a host computer, removal of data storage device from a primary power circuit, detected movement of the data storage device from its resting point, a certain number of detected unsuccessful login attempts, an infrared signal sent from an infrared controller, a remote transmitter signal sent from a remote transmitter, a cellular signal sent from a cellular telephone, a wireless transmitter signal sent by a wireless transmitter, a keyboard signal sent from a wired controller, detected physical tampering with the data storage device, detected loss of power from the primary power circuit and backup batteries, a command sent through an Internet, a key command sequence entered from the keyboard, a voice command through a voice recognition system, a biometric signal, an incorrect biometric signal, and detected temperature outside a range of temperatures (see paragraph [0062] through paragraph [0065]).

As per claims 5 and 15, further including an event interface (230), coupled to said activation device (300), for establishing selected predetermined criteria for said at least one event.

As per claims 7, 19 and 23, wherein the reactant chemical is applied on at least one surface of the data storage device (210).

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As per claim 8, wherein a chemical supply line is operatively mounted between and in fluid communication with the reactant reservoir (471) and at least one nozzle (475) proximate the at least one surface (522a, 522b) of said data storage device (210).

As per claim 9, wherein the reactant chemical applied to the data storage device corrodes it, thereby destroying the stored data (see paragraph [0082]).

As per claim 10, further including a stopper device (472) for controlling the flow of the reactant chemical from the reactant reservoir (471).

As per claim 20, further including the act of providing notification that the destruction of the data contained on the data storage media (210) has commenced (e.g., an alarm signal as seen in FIG. 2).

As per claim 21, Shim (US 2003/0131255 A1) also discloses a method for rendering data stored on data storage device (21) forensically unrecoverable, the method comprising the acts of: applying a reactant chemical at least one surface of said data storage device (210); and allowing the reactant chemical to react with at least one surface said data storage device to render any said data stored on said data storage device forensically unrecoverable (see paragraph [0081] *et. seq.*).

As per claims 2, 12 and 22, wherein applying the reactant chemical further comprises combining a first part and a second part which when combined, produces the reactant chemical (e.g., see paragraph [0082] on page 12, “and/or mixtures thereof” and paragraph [0086], “the foregoing chemical agents may be delivered mixed ...” in conjunction with the recitation of “at least one chamber” as set forth in paragraph [0083].

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As per claim 24, wherein applying the reactant chemical further comprising pumping (via pressurized chamber (471) and actuator (472)) the reactant chemical onto at least one surface of said data storage device (210).

Allowable Subject Matter

Claims 6 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

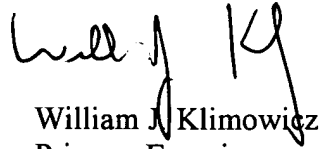
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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William J. Klimowicz
Primary Examiner
Art Unit 2652

WJK